

WYOMING DEPARTMENT OF CORRECTIONS

Policy and Procedure #3.009 Evidence Handling and Storage

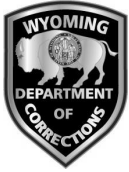
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Authority: Wyoming Statute(s): 25-1-104; 25-1-105 ACA Standard(s): 4-4207; 4-APPFS-3B-11	Effective Date: July 2, 2015 Revision/Review History: 07/01/14 07/30/07 06/01/13 04/21/99 09/19/11
Cross Reference of Policy: P&P # 1.009, <i>Release of Information</i> ; P&P # 1.013, <i>Incident Reporting</i> ; P&P #3.006, <i>Property Control</i> ; P&P #3.102, <i>Inmate Disciplinary Procedures</i> ; P&P #4.303, <i>Written Exposure Control Plan for Bloodborne Pathogens</i> Field Services OSP #7.37, <i>Encouraging Desired Behaviors and Responding to Violations</i> Field Services OSP #7.21, <i>Field Contacts, Compliance Inspections and Searches</i>	Summary of Revision/Review: Updates existing policy pursuant to annual review. Supersedes Existing Policy :
Approved: R.O. Lampert Robert O. Lampert, Director	
7-2-15 Date	

The procedures set forth herein are intended to establish directives for staff members and those entities that are contractually bound to adhere to them. They are not intended to establish State created liberty or property interests for staff members or inmates, or an independent duty owed by the WDOC to staff members, inmates, or third parties. This procedure is not intended to establish or create new constitutional rights or to enlarge or expand upon existing constitutional rights or duties.

REFERENCE

1. ATTACHMENTS
 - A. WDOC Form # 102, *Staff Report*
 - B. WDOC Form # 307, *Notice of Confiscation*
 - C. WDOC Form # 335, *Chain of Custody*
 - D. WDOC Form # 335a, *Chain of Custody – Continuation Form*
 - E. WDOC Form # 335.1, *Evidence Report*
 - F. WDOC Form # 335.2, *Receipt for Property*
 - G. WDOC Form # 335.3, *Cash Management - Evidence*
 - H. WDOC Form # 335.4, *Records Destruction Authorization*
 - I. WDOC Form # 335.5, *Evidence Room/Cabinet Access Log*
 - J. WDOC Form # 335.6, *Evidence Control Log*
 - K. *Evidence Tag*
2. Other – None Noted



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I. PURPOSE

- A. **Collection and Custody of Evidence:** The purpose of this policy is to establish a uniform and consistent process for the collection, handling, and preservation of all evidence and to insure appropriate methods of chain of custody and protection from contamination for all evidence collected within Wyoming Department of Corrections' correctional facilities and Division of Field Services areas of authority. This policy and procedure shall insure the integrity and security of all evidence collected. (4-APPFS-3B-11)

II. POLICY

- A. **General Policy:** It is the policy of the Wyoming Department of Corrections (WDOC) to maintain a process for the collection and custody of evidence within WDOC correctional facilities and Division of Field Services areas of authority that is uniform and consistent in manner and that ensures the integrity and security of all evidence collected. Evidence which is seized as part of an administrative investigation or for the purpose of a criminal prosecution shall be handled appropriately for such purposes.
1. This policy shall provide for the preservation, control, and disposition of all physical evidence obtained in connection with a violation of law and/or Department policy and procedure. Procedures identified herein address chain of custody, evidence handling and disposition, and location and storage requirements. (ACA 4-4207)

III. DEFINITIONS

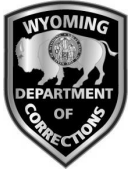
- A. **Administrative Evidence:** Any item which may be collected and in turn used as evidence in an administrative disciplinary action, whether inmate or staff.
- B. **Alternate Evidence Custodian:** An evidence custodian assigned to assist the primary facility evidence custodian with the collection, processing and handling of secured administrative and criminal evidence. The alternate evidence custodian does not make final disposition on any item of evidence.
- C. **Chain of Custody:** *(For this policy only.)* The process of collection, storage, transportation and disposition of items collected as administrative or criminal evidence. It covers the continuity of the custody of physical evidence that may be introduced in an administrative hearing or a judicial proceeding, from the time of original collection to final disposition. The process will ensure that the evidence is not altered or tampered with from the point of collection until it is



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considered no longer necessary to maintain the evidence.

- D. Chief Executive Officer (CEO):** A CEO is identified as, but not limited to, the following positions: Director, Deputy Director, division administrators, deputy administrators, wardens, district supervisors, adult community corrections coordinators, and adult community corrections directors.
- E. Contraband:** Contraband includes:
1. Any item or article which an inmate or offender is prohibited by statute, rule, or order from obtaining or possessing.
 2. Any item or article which is not authorized by regulations of the Wyoming Department of Corrections, or a subunit thereof.
 3. Any item or article which is in excess of the maximum quantity permitted by written regulations of the Wyoming Department of Corrections, or a subunit thereof, including approved property items in excess of the amounts established by WDOC Policy and Procedure #3.006, *Property Control*.
 4. Any item or article which is received or obtained from an unauthorized source.
 5. Any item or article which was once authorized but is no longer authorized or which poses a threat to security and good order.
 6. Any item or article which is altered without authorization, put to an unauthorized use, or taken into an unauthorized area.
 7. Any item which is restricted or forbidden by law to be within a penal institution.
 8. Evidence of a crime or other violation.
- F. Criminal Evidence:** (*For this policy only.*) Any item which may be collected and in turn used as evidence for a criminal action by law enforcement authorities or other recognized investigator in a criminal proceeding, or by WDOC staff in a revocation, sanction or preliminary hearing affecting probationers or parolees.
- G. Evidence:** Any item, regardless of its nature, that is taken by the Department as part of an investigation and which may be used for the purposes of an administrative and/or legal proceedings.
- H. Evidence Control Log:** (*For this policy only.*) A log book maintained within the



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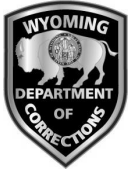
evidence room/cabinet in which entries are made concerning evidence as outlined in this policy and procedure.

- I. Evidence Custodian:** A Wyoming Department of Corrections staff member, assigned by the Chief Executive Officer at each facility and the Investigations Unit Major at the Central Office, who is in charge of overseeing compliance with this policy at the facility level and who is authorized to collect and dispose of secured administrative and criminal evidence.
- J. Evidence Room/Cabinet:** A well-controlled room or cabinet that provides a specific location for evidence. This room or cabinet shall have restricted access and must have a lockable door.
- K. Facility:** (*For this policy only.*) Any permanent, semi-permanent or temporary building, plant or structure, to include the land it rests on, that is owned, operated or leased by the State of Wyoming or a private contractor for purpose of supporting operations conducted by the Wyoming Department of Corrections.
- L. Field Services Area of Authority:** All areas of operations outside of facilities where Field Services Division staff exercise their duties of supervision and authority over offenders.
- M. Inmate:** Any person under the supervision of the Wyoming Department of Corrections who is not on parole or probation status. An inmate is a person who is incarcerated in any Wyoming Department of Corrections' correctional facility, county jail, municipal jail, or in-state/out-of-state contract facilities, to include adult community corrections centers, who is committed to the custody and supervision of the Wyoming Department of Corrections.
- N. Offender:** A person who has entered a plea of guilty or has been convicted of a misdemeanor or a felony and is committed to the custody or supervision of Wyoming Department of Corrections.
- O. Officer in Charge (OIC):** That person designated by the Director, Warden or designee, pursuant to WDOC policy and procedure, who will be available in the case of emergencies or extraordinary circumstances outside normal business hours.

IV. PROCEDURE

A. General Guidelines for Collection of Evidence

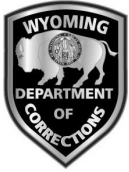
- 1. Staff seizing/obtaining physical evidence in connection with a violation of



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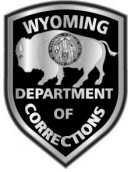
law, conditions of supervision, and/or Department policy and procedure shall ensure that proper evidence handling techniques are utilized and that all evidence seized/obtained follows the proper chain of custody.

2. All evidence collected shall be treated as either administrative evidence or criminal evidence.
3. Medical contractor staff shall not be utilized to seize articles of evidence.
4. Unless safety and security dictates otherwise, prior to entering any potential crime scene, staff should ensure that the crime scene's original condition has been documented; preferably by photographs.
5. Gloves, disposable booties and a face mask may need to be worn when entering and/or investigating a crime scene to avoid contamination of the evidence and protect individuals.
 - i. Standard precautions (universal precautions) shall be used to prevent contact with blood, blood borne pathogens, or other potentially infectious material.
 - ii. Precautions for handling of evidence which may contain blood borne pathogens shall be in accordance with WDOC Policy and Procedure #4.303, *Written Expose Control Plan for Bloodborne Pathogens*, and the site-specific exposure control plan.
 - iii. Staff should change gloves and booties often to avoid cross contamination if warranted by the scene.
6. Staff collecting evidence must ensure that correct and sufficient evidence is collected and packaged appropriately.
 - i. If there is any question as to sufficiency or whether or not an item should be collected as evidence, it is best to collect and preserve all items of potential evidentiary value at the time of scene processing and then to return unneeded/unnecessary items once reviewed by the investigating officer(s).
7. All items of evidence must be collected and preserved as a separate sample to avoid contamination.
8. To preserve the identity and chain of custody of each item of evidence, each item taken as evidence must be appropriately labeled and sealed (reference Section IV.P., General Packaging and Sealing, below).



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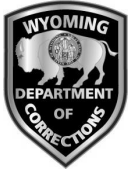
9. High-valued property such as money, jewelry, firearms, drugs and any item that presents a high potential for theft shall be stored in a separate locked area within the evidence storage room/cabinet.
10. Only authorized WDOC staff shall have entry access to an evidence room/cabinet. Authorized staff are the facility designated evidence custodian, alternate evidence custodians, and staff accompanying the evidence custodian or alternate evidence custodian for official business.
11. Statements made by witnesses, victims and/or suspects are evidence and need to be documented as such.
 - i. Any comments made by witnesses, victims and/or suspects to WDOC staff members shall be documented via staff report in accordance with WDOC Policy and Procedure #1.013, *Incident Reporting*, or through journal entry in Monitor if the incident involves a probationer or parolee and the matter is not a specific reportable incident as defined by WDOC Policy and Procedure #1.013, *Incident Reporting*.
12. Collection of evidence for an internal WDOC investigation may be started simultaneously with an official law enforcement investigation that has been initiated, but must be coordinated with the law enforcement agency of jurisdiction (LEAOJ) prior to beginning to ensure there is no conflict or interference with the law enforcement investigation.
13. Entry into the evidence room/cabinet shall be limited to the evidence custodian, alternate evidence custodian and individuals authorized by the evidence custodian or alternate evidence custodian to accompany them for official business related to evidence handling.
 - i. No one shall enter or be allowed to remain in the evidence room/cabinet without the direct presence of the evidence custodian or alternate custodian.
 - ii. The evidence custodian or alternate evidence custodian, as applicable, shall complete the WDOC Form #335.5, *Evidence Room/Cabinet Access Record*, every time the evidence room/cabinet is accessed.
 - a. All individuals gaining access to the evidence room/cabinet shall sign the WDOC Form #335.5, *Evidence Room/Cabinet Access Record*, documenting their access to the evidence room/cabinet.



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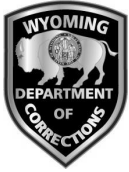
B. Collection of Criminal Evidence

1. Any evidence collected may be used as criminal evidence in addition to being administrative evidence. It shall be up to the discretion of the Prison Division institution security managers, Investigations Unit Major, Field Services District Manager, or local law enforcement, as applicable, to determine if the evidence should be collected and stored as criminal evidence or administrative evidence.
 - i. For field services staff, Field Services OSP #7.21, *Field Contacts, Compliance Inspections and Searches* outlines items applicable for collection of evidence.
 - ii. Anytime crime scene evidence is present, the local law enforcement agency of jurisdiction (LEAOJ) will be notified and a report shall be completed in accordance with WDOC Policy and Procedure #1.013, *Incident Reporting*.
 - a. For Field Services there is not the requirement to complete an incident report for evidence that is collected to be solely used as a result of a violation of probation and parole conditions. Proper response to such violations must occur as outlined in Field Services OSP #7.37, *Encouraging Desired Behaviors and Responding to Violations* and documentation is to be in Monitor.
 - b. Should local law enforcement not respond, WDOC staff shall follow the guidelines as outlined in this policy and procedure for handling of administrative evidence unless directed to do otherwise by the applicable Prison Division facility security manager, the applicable Field Services District Manager, or the Investigations Major.
2. If evidence that was not collected and maintained by the LEAOJ will be utilized as criminal evidence by Department staff (*i.e.* evidence that shall be collected per Field Services OSP #7.21, *Field Contacts, Compliance Inspections and Searches* and evidence used for criminal action that is collected through Department investigations) it shall be placed in the facility evidence room/cabinet in accordance with this policy, with the following additional requirements:



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- i. Criminal evidence shall be placed in a locker/lock box in the evidence room/cabinet that is specified for criminal evidence only. The locker/lock box shall have a restricted access lock on it.
 - a. For those correctional facilities that do not have an evidence room, a secured locker that is solid and secured to a wall, or that will fit within their respective evidence cabinet will suffice.
 - b. At all Prison Division institutions, the key to the locker/lock box shall be maintained at the Control Center and marked with restricted access. It should only be available to the facility evidence custodian or alternate evidence custodian for check-out.
 - c. At all Field Services Division facilities, the key to the locker/lock box shall be maintained by the facility evidence custodian and kept in a secure location available only to the evidence custodian and alternate evidence custodian.
 - d. Back up keys to all criminal evidence lockers and lock boxes shall be given to and maintained by the Investigations Unit Evidence Custodian to ensure the integrity of the criminal evidence, while maintaining a backup entry in case of lost or damaged key.
 - (1) The Investigations Unit Evidence Custodian shall not have direct access to the respective evidence rooms/cabinets.
 - (2) Prison Division locksmiths should not have a duplicate key to the lockers/lock boxes containing criminal evidence.
 - e. Biohazard material that will be used as criminal evidence shall be photographed, placed in biohazard bags and then placed in an evidence container and placed in the appropriate storage area of the evidence room for criminal evidence.
 - (1) Such evidence shall be turned over to the applicable LEAOJ as soon as practicable following collection of the evidence.



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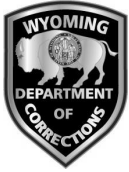
- (i) If the LEAOJ rejects taking custody of the biohazard evidence, it shall be disposed of in accordance with disposal procedures.

C. Collection of Administrative Evidence

1. All evidence collected regarding violations of Department policy and procedure, State of Wyoming laws and/or Federal laws shall be treated as administrative evidence and processed in accordance with this policy and procedure unless specifically identified as criminal or potential criminal evidence as reflected in Section IV.B. above.
2. Evidence stored in the facility evidence room/cabinet shall be kept separate from all evidence designated as criminal evidence.

D. Guidelines for Evidence Lockers/Rooms for Facilities and Field Services Offices

1. Only assigned evidence custodians and alternate evidence custodians shall have unfettered access to their respective facility evidence room/cabinet.
 - i. All other individuals must be escorted into an evidence room/cabinet by an assigned facility evidence custodian or alternate evidence custodian.
2. The number of authorized evidence custodians and alternate evidence custodians shall be as follows:
 - i. Minimum custody level institutions shall have one staff member assigned as an evidence custodian, and one staff member as an alternate evidence custodian.
 - ii. Medium custody or higher level institutions shall have one staff member assigned as an evidence custodian, and two staff members as alternate evidence custodians.
 - iii. Every Field Services Division office shall have a designated evidence custodian. As outlined in this policy, if the evidence custodian is not available the designated alternate will be responsible for ensuring access.
3. All facilities should have lockers somewhere in the respective facility available to staff to secure evidence collected in the event the evidence



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custodian or an alternate evidence custodian is not immediately available to receive evidence collected.

- i. The lockers should contain a series of multiple, individually lockable cabinets so as to allow for the storage and separation of evidence collected from different incidents and for the separation of evidence that must be stored apart from other evidence (*i.e.* narcotics).
- ii. Each locker should have a padlock or combination dial lock attached that can be secured by the individual placing the evidence in the locker, with the key to the padlock kept in the facility evidence room/cabinet accessible only by the evidence custodian and alternate evidence custodian(s).
- iii. Individuals collecting evidence shall utilize these lockers to store evidence when departing their shift if the evidence custodian or an alternate evidence custodian is not available for submission of evidence.
 - a. All required documentation shall be secured within the applicable locker(s) along with the evidence being submitted.
- iv. The evidence custodian or alternate evidence custodian, as applicable, shall check all staff accessible evidence lockers at the beginning of each shift he/she is on duty to determine if any evidence has been turned in and secured within the lockers.
 - a. If any evidence has been secured within the lockers, the evidence custodian/alternate evidence custodian shall retrieve the evidence and documentation and process it into the facility evidence room/cabinet in accordance with this policy and procedure.

E. Crime Scene Security

1. Any time it is believed that a crime has been committed on WDOC property, the shift commander (at Prison Division institutions) or the district manager (at Field Services Division facilities) shall assign staff to secure the crime scene, identify all persons who were present when the incident took place, and ensure preservation of any evidence.
 - i. The involved staff shall document all activity at the crime scene in accordance with WDOC Policy and Procedure #1.013, *Incident Reporting*.

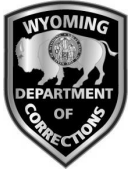


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2. The Chief Executive Officer (CEO) of the affected area and the WDOC Central Office Duty Officer shall be immediately notified of any incident wherein staff believes a crime has been committed.
 - i. The LEAOJ shall be notified as soon as possible for its determination of possible investigation.
3. Nothing within the crime scene area shall be moved or touched by anyone, except as needed to render emergency medical assistance or to address institutional safety and security needs until a determination has been made as to whether or not the LEAOJ is going to respond to the crime scene and assume responsibility for evidence collection.
 - i. This determination should be made by the senior ranking individual involved with handling the crime scene.
 - ii. The scene should not be disturbed any more than necessary for safety and security if the LEAOJ is responding to the scene.
 - a. If an object needs to be removed because of a threat to security (*e.g.*, a weapon), that object should be photographed and diagramed with relation to the rest of the crime scene prior to its removal.
4. If the LEAOJ declines to handle the case, WDOC staff at the site shall be responsible for all evidence collection and crime scene processing.
5. Once the LEAOJ or WDOC staff has finished their initial review of the crime scene and evidence collection, the crime scene shall be cleaned up.
 - i. Precautions of handling the crime scene clean up shall be consistent with those required by WDOC Policy and Procedure #4.303, *Written Exposure Control Plan for Bloodborne Pathogens*, and the site-specific exposure control plan.

F. Initial Collection and Custody of Evidence

1. The staff member initially collecting/obtaining/receiving (collecting) evidence shall ensure that it is placed in an appropriate evidence storage bag/container as soon as reasonably possible so as to ensure the integrity of the evidence.

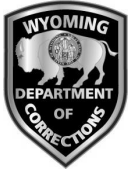


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2. All evidence shall be secured in the facility's/Field Office's designated evidence room/cabinet at the earliest opportunity. Reasons for delay shall be documented at the time the evidence is secured, and the documentation shall be affixed to the evidence storage container holding the property.
 - i. All evidence collected shall be placed in a secure storage area with the appropriate paperwork in anticipation of processing into the designated evidence room/cabinet if transfer to an evidence custodian or alternate evidence custodian is not immediately available.
 - a. Access to this secure storage area should be limited to the individual collecting the evidence or the individual to whom the evidence is turned over to for control while awaiting transfer to the evidence room/cabinet.
3. The staff member collecting the evidence shall complete a WDOC Form #102, *Staff Report* and/or complete a journal entry in *Monitor*, a WDOC Form #335.1, *Evidence Report*, a WDOC Form #335, *Chain of Custody*, and a WDOC Form #307, *Notice of Confiscation* (if applicable for inmate property), or a WDOC Form #335.2, *Receipt for Property* (if applicable for potential privately owned property), and shall include the documents with the evidence when turning it over to the evidence custodian/alternate evidence custodian for storage.
 - i. Each item of evidence shall have a unique WDOC Form #335, *Chain of Custody*, completed documenting the pertinent information regarding the evidence item.
 - ii. For Field Services staff the journal entry (and Incident Report, when required) shall substitute for a WDOC Form #102, *Staff Report*, for all reporting purposes.
4. The use of a signature stamp is prohibited with regards to the processing of all evidence paperwork. Staff members collecting evidence and all evidence custodians involved in the transfer/storage of evidence shall physically sign all documents related to evidence.

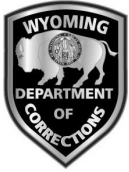
G. Chain of Custody for Evidence

1. Starting with the initial collection and custody of seized property/evidence by the original staff member, a strict chain of custody shall be followed.



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2. The transfer of possession and control of any evidence from one individual to another shall be documented using a WDOC Form #335, *Chain of Custody*, and a WDOC Form #335a, *Chain of Custody – Continuation* (if applicable).
3. Once initiated by the staff member collecting the evidence, the original WDOC Form #335, *Chain of Custody*, as well as any WDOC Form #335a, *Chain of Custody – Continuation*, created shall remain with the evidence until disposed of by the evidence custodian.
 - i. All evidence checked out of the evidence room/cabinet for viewing by the assigned investigating officer, or other authorized individual, shall be documented on a WDOC Form #335, *Chain of Custody*, and a WDOC Form #335a, *Chain of Custody – Continuation* (if applicable).
 - ii. The transfer of the evidence shall be annotated on a WDOC Form #335, *Chain of Custody*, and a WDOC Form #335a, *Chain of Custody – Continuation* (if applicable) as well.
 - a. The chain of custody form shall remain with the evidence while the property is being viewed by the investigating officer, or other authorized individual.
 - b. All evidence checked out of the evidence room/cabinet for viewing shall be returned to the evidence room/cabinet before the individual viewing the property departs the area.
 - c. No evidence checked out of the evidence room/cabinet for viewing may be kept by anyone beyond their respective shift.
 - iii. Once the review of evidence is completed, the evidence shall be returned to the evidence room/cabinet and accounted for by the evidence custodian/alternate evidence custodian in accordance with this policy.
 - a. The evidence custodian/alternate evidence custodian shall ensure that the chain of custody form is attached to the evidence when processing the evidence back into the evidence room/cabinet.
 - b. The return of the evidence to the evidence room/cabinet shall be annotated on the WDOC Form #335, *Chain of Custody*, or the WDOC Form #335a, *Chain of Custody – Continuation* (if



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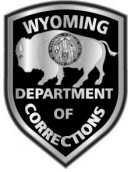
applicable), as well as on the WDOC Form #335.6, *Evidence Control Log*.

4. The evidence custodian/alternate evidence custodian transferring custody or permanently removing evidence from the evidence room/cabinet shall note the final disposition in the WDOC Form #335.6, *Evidence Control Log*, as well as ensuring that the appropriate chain of custody portion of the WDOC Form #335, *Chain of Custody*, and the WDOC Form #335a, *Chain of Custody – Continuation* (if applicable), is completed and signed by the releasing evidence custodian/alternate evidence custodian and the receiving individual.
 - i. The original copy of the WDOC Form #335, *Chain of Custody*, and the WDOC Form #335a, *Chain of Custody – Continuation* (if applicable), shall then be removed and filed in the evidence room/cabinet and the copy of the form shall remain with the evidence.
5. Evidence that has been placed in the facility evidence room/cabinet as “criminal evidence” may only be transferred to a law enforcement officer from the LEAOJ, an investigator assigned to the WDOC Investigations Unit, an approved law enforcement laboratory for processing, or other authorized individual assuming control of the property for disposal.
 - i. Criminal evidence can be converted to administrative evidence if approved to do so by the facility CEO, the Investigations Major, a Department division administrator, the WDOC Deputy Director, or the WDOC Director.

H. Storage of Evidence

1. Evidence Rooms/Cabinets

- i. Evidence custodians are responsible for maintaining secure facilities for the storage of evidence.
- ii. Only the evidence custodian and alternate evidence custodians shall have unfettered access to the evidence rooms/cabinets.
- iii. The evidence room/cabinet shall be the main storage area for all evidence within each facility.
 - a. The evidence custodian/alternate evidence custodian shall store all seized property and evidence in this room/cabinet, with the exception of items that possess a health risk.

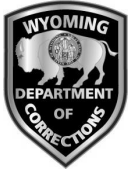


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- (1) Items that pose a health risk may be stored at a location deemed appropriate by the evidence custodian/alternate evidence custodian in consideration of the risk posed.
- iv. The evidence room/cabinet shall be secured by a locked door, accessible only to the evidence custodian and alternate evidence custodians.
- v. The evidence room/cabinet should contain evidence lockers and/or bins for securing and separating evidence.
 - a. The locker(s) and/or bins shall not be accessible to anyone other than the evidence custodian and alternate evidence custodians.

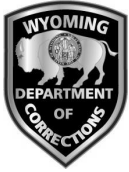
2. Transfer/Disposition of Evidence

- i. Semi-annually, the evidence custodian shall review all files of evidence maintained in the evidence room/cabinet for consideration of property disposal.
 - a. The evidence custodian shall refer to the State of Wyoming Retention Schedule, if applicable, for appropriate retention and/or disposition of evidence.
- ii. For institutions, any evidence used solely in an inmate disciplinary/grievance process shall be maintained through completion of the appeals process and shall be handled in accordance with WDOC Policy and Procedure #3.102, *Inmate Disciplinary Procedures*, as well as this policy. Disposition of such evidence shall be made as follows:
 - a. All use of force videos or other types of video-taped evidence shall be maintained in the evidence room for three (3) months and then shall be transferred to archive storage for permanent retention.
 - (1) They may be maintained in the evidence room for additional time if there is a pending action which would necessitate the need for access.



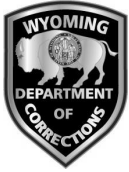
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- (2) Copies of all video-taped evidence should be maintained in the applicable case/investigation file in accordance with the State of Wyoming Retention Schedule.
- b. If the inmate was found guilty of a charge during the disciplinary hearing process, all evidence used for the disciplinary hearing other than video-taped evidence shall be maintained in the evidence room for thirty (30) days beyond the final date of the disciplinary hearing unless the charges have been appealed or grieved in accordance with WDOC Policy and Procedure#3.102, *Inmate Disciplinary Procedure*.
 - (1) After the applicable thirty (30) days, the evidence shall be removed from the evidence room and disposed of appropriately.
 - (i) This may include return to the inmate, destruction, or properly disposed of in accordance with the WDOC Policy and Procedure #3.006, *Property Control*.
 - (2) If appealed in accordance with WDOC Policy and Procedure, the evidence shall be held in the evidence room/cabinet until thirty (30) days after final resolution has been made.
- c. Upon a finding on the inmate's behalf, non-contraband evidence should be returned to the inmate within seventy-two (72) hours after the evidence custodian receives notification that the matter has been resolved and the items may be released.
 - (1) If the inmate is on a restricted property status within an institution at the time the evidence is releasable, the evidence shall be released to the property officer for the respective institution for placement in the inmate inmate's secured property.
 - (2) Unauthorized items or property that cannot be returned to the inmate may be disposed of in accordance with this policy or turned over to the property officer for disposal in accordance with WDOC Policy and Procedure #3.006, *Property Control*.



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- iii. Any evidence used solely in a staff disciplinary process shall be maintained through completion of the appeals process in accordance with the *State of Wyoming Personnel Rules*. Disposition of such evidence shall be made as follows:
 - a. If the staff member was deemed by WDOC management (the applicable CEO and concurrence of the Director or the Director's designee) to have committed the violation for which he/she was being investigated, all evidence used for the disciplinary process shall be maintained for a minimum of seven (7) years following completion of the appeals process and final determination of the violation being rendered.
 - b. If following completion of the applicable investigation, the staff member was deemed by WDOC management (the applicable CEO and concurrence of the Director or the Director's designee) to not have committed any violations, non-contraband evidence should be returned to the applicable owner or Department section from which it was collected within seventy-two (72) hours after the evidence custodian receives notification that the matter has been resolved and the items may be released.
 - (1) Contraband items or property that cannot be returned to an identified owner should be disposed through other means in accordance with this policy.
 - (2) All video-taped and digital recording evidence shall be forwarded to the investigator for inclusion in the case/investigation file, where it will remain until destroyed in accordance with the State of Wyoming Retention Schedule.
- iv. The evidence custodian shall log the final disposition in the WDOC Form #335.6, *Evidence Control Log*, and shall complete the disposition portion of WDOC Form #335, *Chain of Custody*, whenever evidence is permanently transferred to another agency or is disposed of in accordance with this policy.
 - a. The evidence custodian, and a second authorized staff member witnessing the disposal (if applicable), shall sign off on the WDOC Form #335, *Chain of Custody*.



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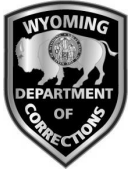
- b. The original copy of the WDOC Form #335, *Chain of Custody*, and the WDOC Form #335a, *Chain of Custody – Continuation* (if applicable), shall be retained in a file in the evidence room. A photo copy of the form(s) shall be retained with the evidence until it has reached its final disposition.
 - (1) A photo copy of the closed out WDOC Form #335, *Chain of Custody*, and the WDOC Form #335a, *Chain of Custody – Continuation* (if applicable), shall be forwarded to the applicable investigator for inclusion in the case/investigation file.
- v. If the evidence is donated to an authorized agency, the evidence custodian/alternate evidence custodian shall request the receiving entity sign off on the copy of the WDOC Form #335, *Chain of Custody*, acknowledging receipt, and the evidence custodian shall return a copy of the form to the evidence room to be attached to the original WDOC Form #335, *Chain of Custody*, as verification that the property was donated to the agency named.
- vi. Narcotics and controlled substances shall be disposed of through one of the following methods:
 - a. Transfer to the State or other authorized laboratory for destruction;
 - b. Transfer to local law enforcement agencies for destruction;
 - c. Transfer to the Investigations Unit for use as K-9 drug detection training aids; or
 - d. If small quantities, narcotics may be flushed.
 - (1) All narcotics that are flushed must be witnessed by the respective institution security manager, Field Services district manager, or the Investigations Major.
- vii. The exact disposition of all evidence shall be noted in the WDOC Form #335.6, *Evidence Control Log*, and the case/investigation file, if applicable.

I. Evidence Relocation



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1. Designated evidence custodians have the responsibility for ensuring proper handling, storage, return, and/or disposal of evidence that has been entered into the Department's evidence system.
2. In the event that relocation of stored evidence becomes a consideration, the decision to relocate evidence to an alternate location (designated facility) shall be coordinated between the evidence custodian at the affected site and the evidence custodian (or individual responsible for the designated facility if it is not a WDOC facility with an assigned evidence custodian) at the receiving site.
 - i. The evidence custodian responsible for relocating the evidence shall ensure that the respective institution security manager, Field Services district manager, or Investigations Major is made aware of the evidence transfer within seventy-two (72) hours of initiating the transfer.
 - ii. Examples of situations that may require evidence relocation include natural or man-made catastrophic events (*i.e.*, hurricane, tornado, flood, WMD event) or the sale or lease expiration of a department building.
3. The designated facility may be a WDOC facility with current evidence storage capabilities, a WDOC facility that has no current evidence storage capabilities established but is fully securable in accordance with this policy, or a commercial storage facility that has the capability of being secured and controlled in accordance with this policy. Minimum facility requirements include:
 - i. A climate controlled room with locking door; and
 - ii. A more secure area inside the evidence storage area for high-value items (*i.e.*, drugs, money, jewelry) and separation of criminal evidence.
4. The following procedures will apply when relocating mass evidence:
 - i. As the evidence is removed from the facility, every piece shall be verified by the evidence custodian using the WDOC Form #335.6, *Evidence Control Log*.
 - ii. The logged evidence shall be placed in a pre-designated vehicle that is monitored at all times by an alternate evidence custodian, or other

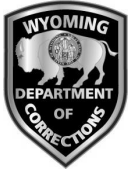


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individual designated for this purpose if an alternate evidence custodian is not available.

- iii. When the evidence has been properly documented and loaded in the designated vehicle, it shall be escorted by the evidence custodian and at least one other staff member to the designated facility.
 - a. Upon arrival at the designated facility, the evidence custodian relocating the evidence shall offload the evidence, verify the evidence (with the receiving evidence custodian if applicable) using the original WDOC Form #335.6, *Evidence Control Log*, and ensure all evidence is appropriately stored and secured at the designated facility.
 - (1) If the evidence is moved to a temporary site that will remain under the control of the original evidence custodian, the original WDOC Form #335.6, *Evidence Control Log*, shall be maintained to track control of the evidence.
 - (2) If the evidence is moved to a site that will be controlled by another evidence custodian, the evidence shall be transferred in accordance with Section IV.G.2. above and the transfer shall be annotated on the original WDOC Form #335.6, *Evidence Control Log*, as well as on each WDOC Form #335, *Chain of Custody*, or WDOC Form #335a, *Chain of Custody – Continuation*, (if applicable).
- 5. In the event a natural disaster or man-made event requires the relocation of evidence, any new evidence collected at the affected location shall be relocated to and stored at the designated facility containing the other evidence from the affected site.
- 6. The same aforementioned documented inventory, loading, and unloading procedures shall be followed upon returning the temporarily stored evidence from the designated facility back to the original affected location.
 - i. A complete (*i.e.*, 100%) inventory shall be conducted of evidence once it is returned to the original affected location, or following relocation to a new Department facility if transfer on a permanent basis.

J. Typical Types of Evidence and Applicable Evidence Collection Procedures



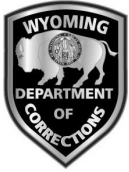
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1. Photograph/Video Evidence

- i.** Photographs or video may be taken of the crime scene by both local law enforcement and WDOC staff.
 - a.** WDOC staff should take photographs of the crime scene reflecting all aspects of the scene from multiple angles.
- ii.** Photographs and/or video that will be used as evidence shall not be shown to victims or witnesses unless authorized by the local law enforcement agency of jurisdiction or the assigned WDOC investigator if disclosure does not compromise the safety of others or the integrity of the investigation.
 - a.** Photograph/video evidence should not be shown to anyone that does not have a specific need to see them.
- iii.** Inmate suspects and victims involved in physically violent criminal activity shall be photographed prior to removal of clothing and after removal of clothing to reflect condition of clothing and injuries sustained.
 - a.** Clothing removed from the individuals shall be placed into evidence in accordance with this policy and procedure. Photographs of the clothing should be taken if the clothing shows signs of blood or other substance on them.
 - b.** All visual wounds shall be photographed with and without a ruler in order to see the actual wound and the size of the wound.

2. Computers

- i.** No attempt should be made to power up a computer taken as part of a criminal investigation, as this may destroy information stored on the machine.
- ii.** Laptop computers stored long-term should have the batteries removed. Evidence custodians unsure of how to locate or remove a laptop battery should contact the Department of Enterprise Technology Services (ETS) for assistance.



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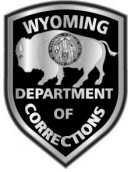
- iii. Computers should be stored in a climate-controlled, moisture-free environment. They should be placed as far away from machinery drawing high levels of electricity (such as air purifiers), as the static and/or magnetic energy the machine produces may corrupt data stored on the computer.
- iv. Evidence custodians planning to send computers in for forensic examination should contact the Wyoming Department of Criminal Investigations (DCI) for assistance and coordination.

3. Currency

- i. Currency placed into the evidence system must be counted by the submitting individual and the evidence custodian/alternate custodian.
 - a. A WDOC Form #335.3, *Cash Management - Evidence*, shall be filled out and signed by the submitting individual, and signed by the evidence custodian/alternate evidence custodian at the time of the transfer to the evidence room/cabinet.
 - b. Currency must be packaged separately from other evidence associated with the incident.
- ii. Any currency placed into the evidence room/cabinet shall be stored in a secure locker/lock box located within the evidence storage room/cabinet.

4. Drugs, Controlled Substances and Tobacco products

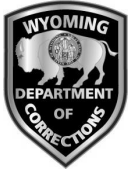
- i. All drugs, controlled substances and tobacco products shall be packaged separately from one another, and separately from any drug paraphernalia taken as evidence, in order to prevent cross-contamination.
- ii. Drugs, controlled substances and tobacco products should be stored in metal cans designed to secure such products.
- iii. All drugs and controlled substances shall be stored in a secure locker/lock box located within the evidence room/cabinet.
 - a. Drugs and controlled substances may be in the same secure area as firearms and other high-value items, but still must be separated from each other.



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5. Digital Evidence

- i.** Digital evidence shall be considered photographs, audio recordings, video recordings, computer data and other evidence stored in digital format.
- ii.** Digital evidence shall be transferred to a CD-ROM/DVD or other approved storage system and preserved as evidence.
 - a.** The CD-ROM/DVD or other approved storage system containing the digital evidence shall be clearly identified by case number and other required identifiers.
- iii.** An approved Department file server or computer may be used to store or transfer digital audio images from the digital camera or recorder to the CD-ROM/DVD or other approved storage system.
- iv.** If digital evidence is stored on a CD-ROM/DVD, the evidence disk shall be submitted and stored as evidence similar to traditional film negatives or audio tapes.
- v.** The use of the digital camera or digital recorder shall be documented in the applicable investigation report for each respective applicable item of evidence and testimony presented.
- vi.** After the images or audio is transferred to the CD-ROM/DVD or other approved storage system, and transfer confirmed, the images or audio shall be deleted from the digital camera, digital recorder flash card, or internal storage device.
- vii.** Copies of digital images or digital audio needed for presentation to anyone shall be generated from the evidence CD-ROM/DVD or other approved storage system.
- viii.** Digital images or digital audio shall not be “enhanced” or “clarified” unless there is a clear and demonstrated need.
 - a.** Any digital image or audio “enhancements” or “clarifications” must be approved by the Investigations Major.
 - b.** If approved, a “copy” of the image or audio shall be made for “enhancement” or “clarification” purposes, and the original image or audio placed into evidence shall be maintained in



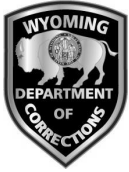
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unaltered form on CD-ROM/DVD or other approved storage system.

- c. Any “enhancements” or “clarification” techniques shall be identified and documented in the investigation report.
- ix. Digital images or digital audio obtained for training and for public or news media releases do not need to be submitted as evidence.
 - a. Public release of digital images or audio to the public or news media shall only be done with the coordination and approval of the WDOC Public Information Officer and in accordance with WDOC Policy and Procedure #1.009, *Release of Information*.
- x. Approved storage systems must be reviewed by the appropriate supervisor to ensure security, reliability, ease of use, and compliance with existing Department Policies.

6. Articles of Clothing

- i. All articles of clothing collected shall be air dried prior to placing into an evidence bag/container.
- ii. Articles of dry clothing, and clothing on which a liquid substance was located, once air dried, shall be packaged in paper bags for packaging.
- iii. Articles of clothing with stains shall be collected and packaged separately.
 - a. Care shall be taken so as not to allow stains to come into contact with one another.
- iv. To minimize the chance of cross-transfer of adhering evidence, different clothing items should not be packaged in the same bag.
 - a. All clothing samples shall be packaged separately.
- v. When packaging items of clothing, staff should work on clean surfaces if possible and wear clean latex gloves.
 - a. Staff shall change gloves when necessary to avoid possible cross contamination of evidence.



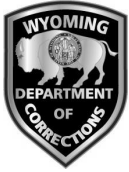
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7. Original Documents

- i.** Before placing original documents into an evidence package, the staff member collecting documents should ensure that all applicable information needing to be written on the packaging is done before placing the evidence documents into the package to prevent any markings from transcending through the package material to the original documents.
- ii.** Staff shall not place any markings on a document that might otherwise obscure possible latent prints or features of the document itself.
- iii.** Staff shall not process for latent prints before submitting the document for examination if being made a part of a potential or actual criminal investigation.
 - a.** Staff shall preserve and protect the document(s) for latent prints and advise the lab that it may have evidentiary value for latent prints if made a part of a criminal investigation.
 - b.** Staff shall always submit documents in the condition in which they were found.
- iv.** Staff shall never staple, type, or write on evidence.
 - a.** If an identification mark must be placed on a document, staff shall be sure that it is placed in an area that doesn't affect the questioned portion.
- v.** Staff shall never fold a document identified as evidence.
- vi.** If copies must be made, staff shall submit the original document(s) to the evidence custodian for storage and keep the copies.
- vii.** When collecting documents, clean latex gloves are to be worn by the collecting individual, and anyone else that must handle the document.

8. Perishable Items

- i.** Perishable items are generally not held as evidence for criminal investigations.



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- ii. If perishable items are to be held as evidence for an administrative hearing, they should be placed in a plastic zip top bag in order to preserve freshness.
 - a. The plastic bag should then be placed in a paper bag clearly marked, "Perishable Item" and sealed. The bag should be placed in an evidence locker/cabinet.
- iii. In order to preserve the integrity of the evidence, perishable items should not be held as physical evidence longer than forty-eight (48) hours.
 - a. The perishable item(s) shall be discarded in a safe manner consistent with the safety and security of the facility.
- iv. In all cases where perishable items are considered evidentiary, pictures of the item(s) should be taken showing multiple views/angles of the item(s).
- v. If perishable items are deemed to be necessary for a criminal matter, the LEAOJ should take custody of the items when processing the crime scene or as soon as possible thereafter.
 - a. If not taken by the LEAOJ while they are processing the crime scene, the item(s) shall be packaged as described for perishable items for administrative hearings and turned over to the LEAOJ no later than twenty-four (24) hours after being collected.

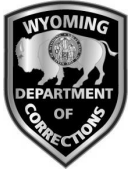
9. Weapons

- i. When collecting weapons, personal safety and protection is of utmost importance.
- ii. All individuals collecting weapons for evidence shall wear appropriate personal protective equipment; which at a minimum is clean latex gloves.
- iii. Package large, oddly shaped items in tubes designed for posters or in cardboard boxes if the item does not fit in a tube.
- iv. If any items contain blood, other body fluids, tissue, *etc.* collecting staff shall mark the outside of the package with a biohazard label.



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- v. When collecting firearms and ammunition, collecting staff shall ensure that the firearm is unloaded, cleared, and safe. The firearm will then be packaged in a box specifically designed to hold firearms in place, or one will be made by the evidence custodian out of another cardboard box.
 - a. If the firearm/ammunition is located at a Prison Division Institution, the weapon/ammunition shall be secured in the armory, locked in a secured safe or lock box with access to the safe or box being turned over to the evidence custodian.
 - b. The outside evidence label must indicate that the firearm has been cleared.
 - c. Ammunition from firearms should be packaged separate from any firearm.
 - (1) The magazine with cartridges can be placed into an appropriate sized evidence bag.
 - (2) Staff shall package any loose cartridges in a paper envelope if a cartridge box matching the caliber of ammunition is not available for use.
 - vi. When collecting a knife/shank or any other sharp object used as a weapon, a cardboard box should be used to secure the weapon if available.
 - a. Staff shall immobilize the knife/shank/sharp object to protect both staff and any blood sample that may be on the blade.
 - vii. Syringes should be placed in a puncture proof container designed for packaging syringes.
 - viii. Staff shall place other sharp objects such as glass fragments, metal fragments, plastic items that have been sharpened, *etc.* in plastic collection tubes.
- 10. Drug Paraphernalia**
- i. Drug paraphernalia includes items used for consumption of narcotics such as syringes, bongs, straws, spoons, pipes, scales, *etc.*
 - ii. Drug paraphernalia shall be packaged separate from drug evidence.

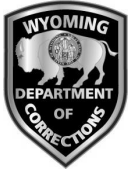


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- iii. Syringes can be a significant biohazard and need to be handled and packaged with the utmost care.
 - a. Collecting staff shall wear appropriate personal protective equipment when collecting any drug paraphernalia.
- iv. Collecting staff shall package and properly seal drug paraphernalia in appropriate sized cardboard boxes, envelopes, or appropriate puncture proof containers as deemed appropriate for the item.

11. Handling Biohazard Evidence

- i. The collecting staff member must be constantly aware of the potential of infectious evidence containing bloodborne pathogens which are disease-causing micro-organisms found in human blood. These include, but are not limited to, Hepatitis B Virus (HBV) and Human Immunodeficiency Virus (HIV).
- ii. Staff shall use universal precautions (*i.e.*, treat all blood and blood-stained objects as sources of bloodborne pathogens) when handling biological specimens or stains. Staff shall use appropriate protective equipment, such as face, eye, hand, and shoe protection. Staff shall practice good personal hygiene.
- iii. Each individual involved with handling or being potentially exposed to bloodborne pathogens during the collection of evidence shall have an adequate supply of personal protective equipment available to protect against an exposure that may be encountered in the collecting of contaminated infectious evidence. These supplies should include, but are not limited to:
 - a. Latex or vinyl gloves;
 - b. Face mask/shield;
 - c. Tyvek coverall with foot covering;
 - d. Tyvek shoe/boot cover;
 - e. Red plastic biohazard bags; and
 - f. Biohazard Response Kit (including gloves, disinfectant spray, towelettes, spill absorbent, scoops, bags, plastic tongs, face



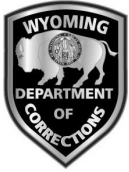
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shield).

- iv. All evidence material that has the potential of spreading infection shall have a BIOHAZARD label affixed to the package by the collecting individual. Each Wyoming Department of Corrections facility shall have a plainly marked biohazard disposal container. This container shall be lined with a red plastic biohazard bag and shall be utilized for the disposal of used latex gloves, soiled clothing, used needle syringe keepers, *etc.*
 - a. Any item that has been used for cleanup or has been contaminated by a potential infectious bloodborne pathogen should be disposed of in this container.
 - b. Staff shall not use the regular garbage for disposal of contaminated waste or place regular garbage in the contaminated waste container.
- v. Biohazard labels for packaging and additional red bags for transporting biohazard material should be kept available in the evidence room/cabinet, or other location available to staff for collection of biohazard evidence.
- vi. Additional information beyond evidence collection for personal protection against bloodborne pathogens may be obtained in the departmental bloodborne pathogen exposure plan, which is included in WDOC Policy and Procedure #4.303, *Written Exposure Control Plan for Bloodborne Pathogens*.

K. Work Practice Controls

- 1. Staff shall minimize the possibility of occupational exposure and accidents by using work practice controls. Work practice controls are defined as reducing the chance of exposure by altering the manner in which a task is performed.
- 2. Staff shall use and wear personal protective equipment (PPE) as they consider appropriate. This may include wearing protective gloves, filtered face masks, or additional clothing layers.
- 3. The evidence room/cabinet should have adequate ventilation. Personnel entering the evidence room or accessing the evidence cabinet shall have access to sufficient PPE to reduce exposure to dust, unknown substances, and drugs.

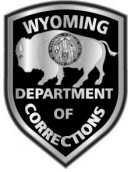


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4. Consumption and preparation of food and beverages is prohibited in the evidence storage room.
5. Work spaces in the evidence room shall be clean and organized. The evidence room shall be cleaned on a regular basis.
6. When dealing with evidence that involves bloodborne pathogens, staff shall ensure familiarity with WDOC Policy and Procedure #4.303, *Written Exposure Control Plan for Bloodborne Pathogens*.

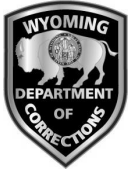
L. Handling Evidence with Courts

1. Most evidence turned in to the evidence room/cabinet is never presented in court. Generally, if a criminal issue, it is either stipulated to by the defense or a guilty plea is entered, and the evidence is ultimately destroyed. However, on occasion, it is necessary to present the evidence to either a circuit or district court on a contested case. When evidence is needed for court, specific procedures shall apply.
2. Presentation of Evidence
 - i. When evidence is checked out from the evidence room/cabinet, the staff member checking the evidence out and the evidence custodian will sign the WDOC Form #335, *Chain of Custody*, or the WDOC Form #335a, *Chain of Custody – Continuation* (if applicable), showing the transfer of evidence.
 - ii. The evidence shall remain in the staff member's immediate custody until presented to the court to be marked as evidence.
 - iii. If a request is made of the staff member to open packages and show clothing or other items that have dried blood on them, the staff member has a duty to warn the court of the potential of bloodborne pathogen contamination of surrounding participants (*i.e.*, judge, jury, counsels, *etc.*).
 - a. Generally pictures of the items are presented in such cases.
 - b. Universal precautions shall be taken in the courtroom when handling such items. If presentation of biohazard evidence is anticipated, the officer should consult with the prosecutor and repackage the items in clear viewing plastic to prevent the spread of bloodborne pathogens to the courtroom audience.



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- (1) Latex gloves should be worn by all individuals handling this type of biohazard material.
- iv. The signature of the court official to whom the evidence is released (if released by the staff member) shall be obtained on the WDOC Form # 35, *Chain of Custody*, or the WDOC Form #335a, *Chain of Custody – Continuation* (if applicable), by the staff member presenting the evidence to the court.
- a. If evidence is left with the court, a photocopy of the signed WDOC Form #335, *Chain of Custody*, or the WDOC Form #335a, *Chain of Custody – Continuation* (if applicable), shall remain with the evidence. The original, after being signed by the court official indicating that it is now in the custody of the court, shall be returned to the evidence custodian.
3. Return of Evidence to Evidence Custodian
- i. Where evidence is returned to the Department after a criminal trial or civil hearing, the staff member that checked the evidence out shall be responsible for returning the evidence to the evidence custodian.
- ii. In those cases when the evidence was merely presented for trial, and the court did not wish to retain any control over the evidence, the evidence shall be returned to the evidence custodian in the sealed evidence container it was originally in, and both the evidence custodian and the staff member shall once again sign the WDOC Form #335, *Chain of Custody*, or the WDOC Form #335a, *Chain of Custody – Continuation* (if applicable), reflecting the return of the evidence to the evidence custodian.
- iii. If the seal on the evidence container is broken for court purposes, the staff member shall inventory the contents of the unsealed package, in the presence of a court official, to ensure all the items of the exhibit are present.
- a. The staff member shall not accept evidence from the court until it is resealed in his/her presence. The seal must be initialed and dated by the court representative and the staff member.
- b. The evidence shall be returned to the evidence custodian after the exhibit has been properly re-sealed in accordance with this



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policy.

- iv. If a question of compromise, tampering, or other discrepancy arises, the evidence custodian shall be notified of the discrepancy and it shall be documented on the WDOC Form #335, *Chain of Custody*, or the WDOC Form #335a, *Chain of Custody – Continuation* (if applicable).

M. Incident/Investigation Evidence Item Numbering

1. Incident Report Numbers are assigned by each of the Prison Division Institutions and are an eight (8) digit number (*i.e.*, 01.12.0001).
 - i. The first two digits indicate the reporting institution; the third and fourth number represent the year; and the final four digits are a sequential number of the incidents for that particular year.
2. Investigation numbers are assigned by the Investigations Unit and are a six (6) digit number (*i.e.*, 12-0001).
 - i. The first two digits represent the year, and the last four digits are a sequential number of the investigations for that particular year.
3. Field Services Division (Probation and Parole) Incident numbers are assigned by the Investigations Unit upon receipt of signed original Incident Report Forms. This number assignment only occurs when it is necessary to notify the Investigations Unit (*i.e.* administrative evidence) of a reportable incident in accordance with Policy and Procedure 1.013, Incident Reporting.
 - i. Incidents from Probation and Parole offices are an eight (8) or nine (9) digit number (*i.e.*, I.12.0003, IX.12.0003), determined by the district number.
 - a. The first two digits are a Roman numeral identifying the reporting Probation and Parole District; the third and fourth digits represent the year; and the final four digits are a sequential number of the incidents for that particular year.
 - ii. Incidents from an Adult Community Corrections (ACC) or Transitional Center (TC) are a nine (9) digit number (*i.e.*, CAS.12.0001, CHE.12.0002, GIL.12.0003).
 - a. The first three digits indicate the location of the ACC/TC (Casper, Cheyenne, Gillette); the third and fourth digits represent the year; and the final four digits are a sequential



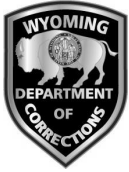
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number of the incidents for that particular year.

- iii. The evidence item number will consist of the incident/ investigation number, followed by a dash and a three-digit sequential number (*i.e.*, 01.12.0001-001).
 - a. Each item of evidence will be given a unique number in order to identify each specific piece of evidence pertaining to an incident/investigation (*i.e.*, 01.12.0001-001 and 01.12.0001-002).
 - b. The evidence item number shall be assigned by the evidence custodian when logged into the evidence room/cabinet and shall be reflected on the WDOC Form #335.6, *Evidence Control Log*, as well as the WDOC Form # 335.1, *Evidence Report*.

N. Documenting the Control of Evidence Stored in the Evidence Room/Cabinet

- 1. The WDOC Form #335.6, *Evidence Control Log*, is the primary report of the evidence system. All evidence turned in to the evidence custodian/alternate evidence custodian shall be reflected on the WDOC Form #335.6, *Evidence Control Log*.
- 2. The WDOC Form #335.6, *Evidence Control Log*, shall be initiated by the evidence custodian/alternate evidence custodian upon receipt of an item of evidence. Guidelines for the use of the WDOC Form #335.6, *Evidence Control Log*, are as follows:
 - i. All evidence collected shall be submitted to the evidence custodian/alternate evidence custodian before the collecting individual goes off shift.
 - a. Immediately upon receipt of the item of evidence, the evidence custodian/alternate evidence custodian shall create a WDOC Form #335.6, *Evidence Control Log*, to document all evidence pertaining to a new incident or investigation.
 - b. If any evidence is already stored in the evidence room/cabinet pertaining to the same incident or investigation for which new evidence is being turned in, the evidence custodian/alternate evidence custodian shall reflect the submission of the new evidence on the existing WDOC Form #335.6, *Evidence Control Log*, pertaining to the applicable incident/



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investigation.

- ii. The evidence custodian/alternate evidence custodian shall assign evidence item numbers to each piece of evidence turned in for storage.
 - a. No evidence item number shall be used more than one time.
- iii. Only one item per line may be entered on the WDOC Form #335.6, *Evidence Control Log*.
- iv. If the incident/investigation has more evidence items than will fit on a single WDOC Form #335.6, *Evidence Control Log*, additional WDOC Form #335.6, *Evidence Control Log(s)* should be used, numbering the pages accordingly (1 of 3, 2 of 3, etc.).

O. Evidence Packaging Labels

- 1. Evidence packaging labels should be printed for all items of evidence that will be packaged in an evidence bag/container that is not preprinted for documenting pertinent information.
- 2. One label shall be affixed to each evidence bag/container reflecting the following information:
 - i. Investigation/Incident number;
 - ii. Item Number (to be filled in by the evidence/alternate evidence custodian);
 - iii. Date Collected;
 - iv. Time Collected;
 - v. Collected by;
 - vi. Brief description of the item(s) contained in the evidence bag/container; and
 - vii. Location where collected.
- 3. The item number shall be hand-written (or typed if electronically produced) on the label by the evidence custodian/alternate evidence custodian, and shall be documented on the applicable WDOC Form #335.6, *Evidence Control*

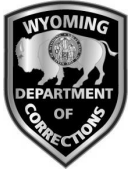


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Log.

P. General Packaging and Sealing

1. To minimize accidents and workplace exposures, the individual packaging the evidence and anyone witnessing the packaging shall wear PPE when handling the evidence and when working in the evidence areas. This shall include wearing protective gloves and any other PPE as deemed necessary.
2. Packaging material should be made available from the evidence custodian. Adequate supplies shall be kept available at each facility or available from other sources within a reasonable amount of time. This material usually consists of:
 - i. Assorted sizes of paper bags and manila envelopes;
 - ii. Brown wrapping paper;
 - iii. Various sizes of metal cans with sealable lids;
 - iv. Puncture proof containers designed for packaging syringes;
 - v. Plastic collection tubes;
 - vi. Cardboard for packaging;
 - vii. Cardboard tubes designed for posters;
 - viii. Various size plastic zip lock bags; and
 - ix. Evidence tape.
3. The bags and envelopes should be pre-stamped with an information box, designed for the collecting individual to fill in the blanks regarding identifying information pertaining to the item(s) of evidence collected.
4. Sealing/Packaging Evidence
 - i. The individual collecting the evidence is responsible for properly packaging and sealing the evidence.
 - ii. Evidence that is not properly packaged, sealed and initialed on all seams shall not be accepted by the evidence custodian.



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- iii. All seams of the evidence package must be sealed with evidence tape.
 - a. This sealing includes all manufactured seams on envelopes and paper bags (including side and bottom of bags).
 - b. Staples and glued flaps on envelopes do not constitute proper seals.
 - c. If evidence tape is unavailable, a clear tape may be used if the type, when removed, would tear fibers from the package and reveal unauthorized entry.
 - (1) A note shall be left for the Evidence Custodian stating why evidence tape was not utilized if clear tape was used.
 - (2) Staples may be used to close the opening, along with evidence tape to seal all seams.
- iv. Once taped, the tape must be initialed by the collecting individual at an angle across all taped seams so that part of the writing is off the tape and on the package. The date of sealing shall be placed on the package in the same manner (see Figures 1-1 and 1-2).

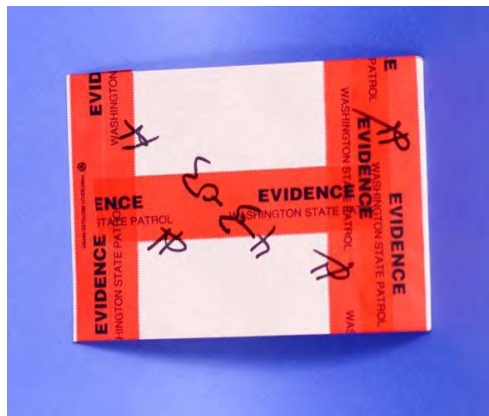


Figure 1-1

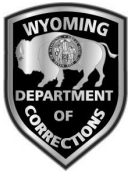
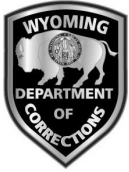


Figure 1-2

- v. For evidence too large or bulky to seal in a package, staff shall attach an *Evidence Tag* to the item.
 - a. Without damaging the item, staff may place a piece of evidence tape across the opening, if there is one. Sometimes a small piece of paper under a portion of the evidence tape can prevent damage to the article.
- vi. Bottles, jars, and cans must be capped tightly to avoid leakage, and then sealed with tape.
 - a. The tape must extend across the top of the lid and down both sides of the body of the container. Initials and date still apply as described above. An *Evidence Tag* identifies the evidence (see Figure 1-3).





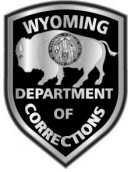
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Figure 1-3

- vii.** Different types of drugs shall be packaged individually.
 - a.** Drug evidence shall not be packaged with any other type of evidence, to include items of drug paraphernalia.
 - b.** The drug package shall be weighed by the Evidence Custodian each time the package is received in, and checked out of, the evidence room/cabinet.
- viii.** Currency shall be packaged separately from other types of evidence.
 - a.** All currency shall be counted and the package sealed and initialed by two individuals as previously noted.

Q. Opening and Resealing Evidence

- 1.** Once evidence has been sealed, there is an assumption the evidence is secure. When the seal has been broken, the integrity of the contents can no longer be ensured. To minimize suspicion of wrongful action, it is important the same precautions used in initial sealing of the property be followed in any subsequent unsealing and resealing.
 - i.** Under normal circumstances, evidence, once sealed, shall not be opened except for analysis or introduction in court.
- 2.** When sealed evidence must be opened, the following procedures shall be complied with:
 - i.** Sealed evidence shall be opened in the presence of another individual to witness the event.
 - ii.** The evidence package shall be opened in a manner that will preserve the information on the evidence tape and stamped label.
 - a.** Staff shall not break the old seal unless unavoidable.
 - b.** A slit cut in another area of the package will preserve the seal if opening an envelope, box, tube or other similar item.
 - iii.** The evidence shall be handled in accordance with this policy.
 - iv.** When done with examining the evidence or other purpose, the



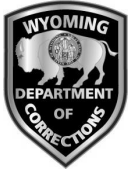
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original packaging should be resealed using evidence tape.

- a. All openings/seals broken shall be sealed with the evidence tape, dated and initialed by both the witness and the person that opened the package.
- v. If the original packaging is damaged to the point that it is not practical to reuse it, the item of evidence should be repackaged and the original packaging material should be included inside the new packaging, along with the evidence.
 - a. The new package must be sealed with evidence tape on all seams, dated and initialed by both the witness and the person that opened the package (as described above for original packaging).

R. Weighing of Controlled Substances and Drugs

- 1. All controlled substances and other drug evidence, other than pills, shall be weighed prior to and after packaging.
 - i. Different types of controlled substances and other drugs shall be weighed and packaged individually.
 - ii. The weight must be reported on the WDOC Form #335.1, *Evidence Report*. There are spaces for “Item Weight” and “Packaged Weight” on the WDOC Form #335.1, *Evidence Report*.
 - a. The item weight is the weight of the controlled substance or other drug inside its original container (*i.e.*, if you have a wood box with a plastic bag containing marijuana inside, the item weight would be the plastic bag with the marijuana).
 - b. The packaged weight is the weight of the controlled substance or other drug once it and its original container has been placed inside an evidence envelope/package, sealed with evidence tape, and the item labels are affixed.
 - iii. Weighing should be accomplished on an electronic digital scale that can be tested for accuracy.
- 2. Pills shall be counted.
 - i. Different types of pills shall be packaged individually.



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- ii. The number of pills must be reported on the WDOC Form #335.1, *Evidence Report*. There is a space for “Quantity” on the *Evidence Report*.

V. TRAINING POINTS

- A. What is the definition of contraband?
- B. When are the CEO and Central Office notified of a crime which has been committed at a WDOC correctional facility?
- C. When is local law enforcement notified of a crime which has been committed at a WDOC correctional facility?
- D. What are the steps to be taken in case an object needs to be moved from a crime scene because of a threat to security?
- E. Who is responsible for collecting evidence?
- F. If a WDOC staff is responsible for collecting the evidence, what is the procedure?
- G. How long is an evidence log to be maintained?
- H. Who has access to an evidence room/cabinet?
- I. How soon are non-contraband items to be returned to an inmate/offender if an administrative hearing finds in his/her favor?
- J. How are drugs and controlled substances to be disposed of?
- K. What is the process of taking photographs of a person involved in a physically violent act?